

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintff,

vs.

WAYNE D. LOZIER, Jr. and

JODY L. SULLIVAN

Defendants.

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Case No. 4:21 CR 0365 RLW/JMB

**EX PARTE/CONSENT MOTION TO WITHDRAW AS COUNSEL
AND TO APPOINT THE PUBLIC DEFENDER**

NOW INTO COURT, through undersigned counsel, comes defendant Wayne Lozier and Jody Sullivan, who respectfully request that the Court permit undersigned counsel to withdraw as counsel for the defendants and that the Court permit the defendants to apply for appointment of the Office of the Federal Public Defender to represent the defendants, for the following reasons:

1.

After a hearing before Magistrate Bodenhausen, counsel for the defendants was permitted to represent both defendants in this matter.

2.

Recent discovery provided by the government, as well as subsequent conversations between undersigned counsel and the defendants, has made it apparent that separate counsel is required to avoid a conflict of interest.

3.

Defendant Wayne Lozier has been incarcerated since March, 2022, and has no source of income and would qualify for appointment of a public defender. On information and belief, the

defendant Jody Sullivan is unable to afford private counsel and would also qualify for appointment of a public defender.

4.

It is respectfully requested that, should this Court permit undersigned counsel to withdraw, the defendants be permitted to make application for a public defender.

5.

The government does not oppose undersigned counsel's Motion to Withdraw.

WHEREFORE, defendant Wayne Lozier and Jody Sullivan respectfully request that this Motion to Withdraw be granted and that they be permitted to apply for appointed counsel.

Respectfully submitted,

/s Ralph S Whalen, Jr.
Ralph S. Whalen, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

s/Ralph S. Whalen, Jr.
Ralph S. Whalen, Jr.